

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RODNEY A. SWOPE,  
Plaintiff

v.

THE NORTUMBERLAND NATIONAL BANK and J. TODD TROXELL,  
Individually and in his official capacity as  
Senior Vice President of Lending and  
Loan Administration for  
The Northumberland National Bank, and  
JOHN DOES 1-10,  
Defendants

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CASE 4:13-CV-02257-MWB-MCC

JURY TRIAL DEMANDED

1. Plaintiff initiated this matter on August 29, 2013 by way of Complaint (Doc. 1).

2. Moving Defendants filed a Motion to Dismiss Plaintiff's Complaint on October 7, 2013 (Doc. 3).

3. On October 18, 2013, the Court issued an Order (Doc. 7) granting Moving Defendants' Motion for Leave to file excess pages (Doc. 6).

4. Moving Defendants filed their Brief in Support of their Motion to Dismiss on October 18, 2013 (Doc. 8).

5. Plaintiff filed his First Amended Complaint on November 15, 2013 (Doc. 11).

6. On November 21, 2013, the Court issued an Order directing Moving Defendants to file a response to Plaintiff's First Amended Complaint by December 13, 2013 (Doc. 12).

7. Plaintiff's First Amended Complaint asserts civil rights and tort claims along with a statutory claim for violation of the Unfair Trade Practices and Consumer Protection Law against Moving Defendants as follows:

a. Section 1983 claim for violation of Plaintiff's Fourteenth Amendment procedural and substantive due process rights (Count I);

- b. Negligence (Count II);
- c. Abuse of Process (Count III);
- d. Monell liability (Count IV); and
- e. Unfair Trade Practices and Consumer Protection Law (Doc.

11).

8. Plaintiff seeks compensatory and punitive damages, attorney's fees, costs and interest along with injunctive relief requiring monitoring and training. (Doc. 1).

9. Moving Defendants intend to file a Motion to Dismiss Plaintiff's First Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6) simultaneous with filing a Brief in Support.

10. Moving Defendants' Brief in Support of said Motion to Dismiss will exceed the Local Rule concerning word count and page limitation.

11. Moving Defendants expect their Brief in Support of their Motion to Dismiss will likely exceed 31 pages, but not more than 31 pages.

12. Given the nature of the claims asserted by Plaintiff in his Complaint, Moving Defendants' Brief in Support of their Motion to Dismiss necessitates its stated length to adequately address the issues.

WHEREFORE, Northumberland National Bank and J. Todd Troxell respectfully requests this Honorable Court grant their Motion for Leave to allow them to file a Brief in Support of their Motion to Dismiss that will exceed the Local Rule on page limit and word count.

Respectfully submitted,

**MARSHALL, DENNEHEY, WARNER,  
COLEMAN & GOGGIN**

***Donald L. Carmelite***

Donald L. Carmelite, Esquire

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 9<sup>th</sup> day of December, 2013, a true and correct copy of the foregoing Motion was served via electronic mail, on the following counsel of record:

Matthew B. Weisberg, Esquire  
Weisberg Law, PC  
7 South Morton Avenue  
Morton, PA 19070

**MARSHALL, DENNEHEY, WARNER,  
COLEMAN & GOGGIN**

**Donald L. Carmelite**

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